

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA,

Plaintiff,

v

MICHAEL KENNETH CARPENTER,

Defendant.

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Case No. CR-16-139-D

ORDER

Before the Court is a report detailing the psychological examination of Defendant Michael Kenneth Carpenter, obtained pursuant to Title 18, United States Code, Section 4243(b). Upon agreement of the parties, the November 18, 2019 report was drafted by Dr. Sean Roberson [Doc. No. 60]. It concludes that Defendant would be a moderate to severe risk for dangerousness if released, and recommends he be remanded to BOP custody and be closely supervised. During a hearing held on December 17, 2019 pursuant to 18 U.S.C. § 4243(c), the defense and the government agreed with the findings in the report without objection.

Agreeing with and adopting Dr. Roberson's findings, and considering all the evidence of record, the Court finds the defense has not established that Defendant will "not create a substantial risk of bodily injury to another person." Therefore, pursuant to 18 U.S.C. §4243(e), "the court shall commit [Defendant] to the custody of the Attorney General." Agreeing that no suitable state facility exists to care for Defendant, the parties

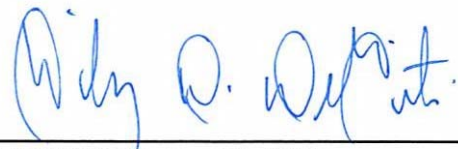
suggested to the Court that Defendant be placed in BOP custody at the first available Federal Medical Center. The Court agrees with these recommendations.

IT IS THEREFORE ORDERED that Defendant shall be delivered to the first available Federal Medical Center, to be hospitalized for treatment until:

- (1) the State assumes responsibility for Defendant; or,
 - (2) Defendant's mental condition is such that his release, or his conditional release under a prescribed regimen of medical, psychiatric, or psychological care or treatment, would not create a substantial risk of bodily injury to another person or serious damage to property of another;
- whichever is earlier. 18 U.S.C. § 4243(e).

IT IS FURTHER ORDERED that, pursuant to 18 U.S.C. § 4243(e), Defendant is remanded to the custody of the United States Marshal, who shall assist as necessary to fulfill the requirements of this Order.

IT IS SO ORDERED this 19th day of December, 2019.



TIMOTHY D. DeGIUSTI
Chief United States District Judge